

June 8, 2013

Dear Palo Alto City Council,

Much has been said about the local opposition to the rezoning of 567 Maybell. This letter outlines what we believe is a majority position of the local residents:

- Residents support affordable housing, especially for seniors, under the existing zoning, and respecting zoning principles in the City's Comprehensive Plan.
- Many residents moved to the neighborhood for the pastoral, rural feel; any development should respect the unique character of the neighborhood and the safety and quality of life of existing residents.
- Residents know the location is not truly on a transit corridor and lacks adjacency and walkability features.
- Residents have experienced significant pressures from traffic and safety in the last two years. Residents believe any decision to rezone must be delayed until a comprehensive study of traffic impacts, including to/from bicycles and pedestrians on school commute corridors, can be completed.
- Residents welcome the City's consideration of low or no traffic uses of the Maybell site if traffic and safety conditions under existing zoning warrant it. The City has a responsibility to obtain quality data to analyze traffic and safety impacts before voting to rezone.

As you review the Maybell rezoning proposal, you will need to assess its merits based on accurate evidence. To help you, we would like to point out the basis for the community's concerns, and several of the errors and omissions in the statements provided by the proponents of the rezoning at the previous commission meeting leading up to the City Council vote on June, 10, 2013.

Support for existing affordable housing

The Barron Park and Greenacres neighborhoods have been strong supporters of low cost housing. Barron Park neighbors are currently and actively fighting to preserve the Buena Vista trailer park and its residents. Our neighborhoods also host many affordable housing complexes, such as Arastradero Park Apartments, Terman Apartments, Treehouse and Oak Manor.

Support for affordable housing does not constitute blanket approval of all developments regardless of the relative merits and impact on the character of the neighborhood, quality of life, traffic, safety, and environmental impact. Residents feel planners have placed a high priority on constraints caused by the financing and ABAG, even to the exclusion of giving neighbors due process.

The Planning and Transportation Commission says PAHC is entitled to build **41** affordable senior housing units under the current RM-15 zoning (approximately 2 acre orchard) inclusive of “density bonus.” The neighborhood would support and welcome a development in keeping with the scale of the surrounding neighborhood.¹ We believe 41 affordable senior units would have fewer safety and traffic risks and negative environmental impacts than the current overly dense proposal of **75** units. But, PAHC is refusing to build under existing zoning and does not want to follow the same zoning rules that other properties are subject to. The four existing homes (approximately .4 acres) are zoned R-2 and could also be included in the affordable housing for a total of **45** affordable senior units. The neighbors would support 45 affordable senior units at Maybell as long as a proper traffic analysis would support it.

PAHC is insisting on building a total of 75 housing units. It wants **60** senior units and **15 market-rate** three-story single family homes (12 of 15 homes are three stories) with only 12-foot setbacks and a mere 8 feet between each home on Maybell on tiny 2,300-3,400 lot sizes that do not conform to the existing residential neighborhood. PAHC’s proposal is asking the City of Palo Alto to convert property in the heart of a residential neighborhood and turn it into higher density zoning. PAHC is enabling its

¹ The actual number of units allowed under existing zoning would have to be determined if such a proposal were on the table. The City’s Comprehensive Plan states, “Density should be on the **lower end of the scale next to single family residential areas**. Densities higher than what is permitted by zoning may be allowed where measurable community benefits will be derived, **services and facilities are available, and the net effect will be compatible with the overall Comprehensive Plan.**” RM-15 allows 8-15 units per acre, and as that location is a transition zone from a small island of apartments — historical zoning exceptions to the rule (Tan Plaza and Arastradero Apts) — to the larger surrounding R-1 area. Thus, it could be argued the existing zoning provides for only half the units current planners suggest, 16 units on 2 acres plus the 4 houses, making 20 units, and a few more if BMR units were included. Furthermore, RM-15 has setbacks, height, parking, and other restrictions that would limit the size of homes to approximately 1,400 sq ft (FAR) if a market-rate developer tried to place the maximum number of units per the City’s scenario (which is unlikely as 1800-2300 sq ft homes would more likely maximize the sales price in this neighborhood). The actual number of units in another scenario would be a matter for further analysis and debate if such a development were proposed. Such a scenario is subject to environmental review and public feedback.

Note also, clearly, the RM-15 was intended as a transition zone from the exceptions of the apartment PC zoning to the R-1 region including Greenacres and Barron Park proper. If those apartments hadn't been built under exceptional circumstances (with interesting Palo Alto history involved), the orchard and Maybell would be R-1 now, too, rather than RM-15 to R-2. Turning that transition zone into a high density zone using the excuse of the apartments would create a spot zoning of high density in the middle of our neighborhood that would seriously affect the ability of neighbors to avoid densification of the cohesive neighborhood and complete loss of neighborhood character and quality in the future. City planners' use of the two apartments as an excuse to turn the transition zone into a PC zone of high density, as in the staff report on Maybell, is ample evidence that would be the case.

for-profit developer partner to build 15 market rate homes that are completely out of character and scale with the neighborhood, a proposal a private developer would never achieve on its own, but for PAHC's partnership with the developer in this project.

Seventy-five housing units are unreasonable for this predominantly low-density, pastoral location. Tall housing on Maybell especially is unreasonable for this location which is dominated by R-1 mostly single-story homes. Market rate housing that is so prominent and so completely inaccessible to the disabled is unreasonable for this location across from a long-time school for the most disabled students in Palo Alto and disabled students from across the county who use the therapy wing, as well as Briones Park daily, which is located directly across from the proposed site.

Maybell is designated as a 'bicycle boulevard' and is a school commute corridor serving four schools. Maybell is supposed to be a safe route (2012 data indicates 41% of students bike to Gunn and 37% bike to Terman). There is no continuous sidewalk or bike lane on Maybell and the street width is already substandard and overburdened by a 25% excess traffic volume over that of a typical residential road in Palo Alto. Road signs are knocked down monthly during the day along Maybell. There is a traffic bottleneck, congestion, and heavy pedestrian and bicycle activity which is constrained by constant street parking from Arastradero Park Apartments and limited ingress/egress into the neighborhood at that critical intersection of the proposed site.

Densely packed "tall and skinny" three-story "for-profit" single family homes taint this entire project. Public funds should not be used to enable a private development to negatively and disproportionate impact on the character of the neighborhood and the quality of life where there is no direct public benefit in exchange for those incompatible, for profit homes that will only lead to further exacerbation of traffic and safety problems and environmental effects. The 15 market rate homes have nothing to do PAHC's mission to provide affordable housing. PAHC could today build 41-45 affordable senior units without passing on to one neighborhood the traffic and safety risks and adverse environmental effects associated with the 15 "for profit" homes that are completely out of scale and character with the rest of the R-1 residential neighborhood.

The reason for this "giveaway" to a private developer is to reduce the cost of the units to PAHC, so they are less expensive than the per-unit cost at, say, the new low-income development on Alma. But why should PAHC be allowed to foist the real costs of the housing onto THIS neighborhood. The Alma affordable developer could probably have financed the Alma project quite nicely if it had analogously sold 20% of the property to a for-profit developer and rezoned it for that developer to put up an

overwhelmingly tall high rise (significantly out of character with surrounding buildings). Why the double standard for our neighborhood?

The approval process has the appearance of being a done deal, with an attempt to rush it through without thorough study, using out-of-date inaccurate or insufficient data, without sufficient notification to the neighborhood, without decision makers even familiar with the neighborhood, and the various proponents of the project using selective facts to support the rezoning. This in turn damages the trust between the citizens and City Hall, and sullies the reputation of an important institution like PAHC within the community.

Further Concerns:

1. Proposed development is too dense and too large for the residential neighborhood. The renderings showing how the development would look are not done to scale. Street views show buildings of one size, and street and pedestrians at much larger scale.

<http://www.cityofpaloalto.org/civicax/filebank/documents/34128>. To understand the impact of these 15 three-story houses with 12-foot setback, and 8 feet between each home on tiny 2,300-3,400 sized lots, we urge you visit Alma Plaza to see a similar-sized, dense development. Typical lot sizes in Greenacres and Barron Park are 6,000 - 12,000 sq ft. Photos of the current single family homes are provided along with examples of proposed replacement home with three stories.

2. Mitigations are ineffective. The various mitigations are either irrelevant (“We will install a commemorative plaque paying respect to the history of the orchard”) or ineffective. For example, PAHC claims that by providing a sidewalk on the Maybell Avenue frontage they are contributing to the safety of pedestrians and bicyclists. However, they provide no continuous sidewalk access to El Camino Real up to Coulombe. It is important to note that, because of existing right of way issues, any pedestrians, including the seniors who may be moving to our neighborhood, who want to walk to El Camino must walk in the street to get there. The sidewalk on the south side of Maybell ends at Arastradero Park Apartments. There is no component of the proposed development that would create a continuous adjoining sidewalk for safe walking for senior and pedestrians along Maybell from El Camino to the proposed site or the propose site to Coulombe. In order to do so, the City would have to purchase right of way from the property owners located between Arastradero Park Apartments and Walgreens and between Briones park and Coulombe to install a continuous sidewalk for seniors and pedestrians. Without this, the City is encouraging less agile seniors to dodge in and out of traffic in an attempt to reach El Camino or to drive. Furthermore, sidewalks do not provide much bicycles safety

since bicycles not encouraged to ride on sidewalks due to endangering pedestrians. There are no continuous bike lanes on the substandard width of Maybell Avenue.

3. The traffic study submitted by PAHC by design is inaccurate and incomplete. The traffic study supporting this development did not consider the impact of pedestrians and bikers. The traffic survey, with data completed in 2011, does not represent the major changes in traffic patterns since Gunn starting time was moved back, and pressures on the east-west Arastradero corridor because of major building projects for example. It is also out of date, due to school enrollment changes in the past two years. No traffic counts were done on Coulombe although it is a major feeder in and out of Maybell. (Many car trips originating on Arastradero to reach El Camino, including from Clemo, take Coulombe around the block to Maybell to El Camino). Maybell is one of two designated School Commute corridors flanking the proposed development, and is densely packed with students walking and biking along it.

Finally, the City Council is well aware of school student population increases over the next several years. PAUSD's own studies:

http://pausd.org/community/board/downloads/brd_packet/042612_packet_study_session.pdf show a projected increase by 2016 of hundreds of additional students attending the three schools (Juana Briones, Terman and Gunn), served by the Maybell School Commute Corridor. Many of these students and their parents will use Maybell for parts of their commute. The VMware expansion will double the business traffic using the east-west commute corridor of Arastradero. No study of the many projects in close proximity on El Camino and Arastradero, such as the Arbor Real project, that have pushed traffic onto neighborhood streets, has been done, even though Arastradero is a critical east-west route in South Palo Alto. Any major development added to this environment must be studied for traffic and safety impacts.

The traffic impact needs to be assessed against the known increase in traffic of bikers and walkers in the next few years. It is irresponsible to ignore this reality when it poses a potential threat to the safety of our children. **A traffic study that takes all these known factors into account needs to be done in order to understand the effect of the proposed Maybell development.** Our neighbor city Menlo Park now measures bikes and pedestrians at every intersection. The PAHC traffic study did not even comply with the VTA model it is supposed to follow. There are updated national standards that suggest reviewing time of transit from site to site rather than time crossing intersections. Given that bikes and pedestrians are such a major issue for our corridor, the City should study high quality, objective data before deciding such a major land use issue that cannot be reversed.

4. The City should not abandon its commitment to support the Maybell School Commute Corridor. The safety of our children depends on this. Here are three sections from the city document ([School Commute Corridors Network](#)) supporting the School Commute Corridors Network. They show very clearly that the City has a policy to support the corridors in case of concerns with new developments (underlining is ours):

On October 27, 2003 the Palo Alto City Council adopted the School Commute Corridors Network. Council adoption of the School Commute Corridors Network is a statement of policy for the City of Palo Alto that principal school commute routes be given priority for public investment purposes and be accorded enhanced review as regards proposals for new commercial driveways and other street changes.

and

The focus of the School Commute Corridor Network shall be to maintain and improve cycling and walking safety for school children. This shall include such provisions as may be appropriate for elementary, middle, and secondary school students.

and

Heightened review of land use changes on Corridor streets with respect to effects on school commute safety of added vehicle trips, including turning movements into and out of development or re-development sites.

The City's own School Commute Network policy puts priority on reviewing developments which have an impact on the School Commute Network, and the impact on the school commute, including walkers and bikers. PAHC's traffic survey should have taken into account the school walkers and bikers, and expected overall increases in use due to increasing school enrollment. The City should follow its own policy and demand a proper traffic and bicycle/pedestrian analysis, and then prioritize the safety of our children in considering any rezoning, major driveways, and ingress/egress changes. **The Council should delay their decision until they have done the enhanced review their own policy demands.** This should be done as the City's responsibility to the children and their families before any major land use decisions are made for that property. At the very least, this is already City policy.

5. The Maybell rezoning violates the city municipal code. The internal street in the proposed development does not meet the width requirements of the municipal code. This requirement was expressly put in place to ensure that emergency vehicles would have sufficient access to private

developments. A senior housing development is likely to have a greater need than most for effective emergency response. How will a fire truck drive through the development to reach the 60 unit senior complex or an ambulance, which has to come from across town, meet emergency response time when traffic and congestion are backed-up on Arastradero pushing congestion on neighboring streets of Maybell and Los Robles? Further, the width of Maybell Avenue is substandard and mandates significant modifications of the proposed project to even meet city municipal codes. Approving this rezoning without meeting such requirements is irresponsible and illegal.

Residents reasonably believe that the City has rushed this project without adequate process and analysis. Given the critical issues at stake for residents and their children — the character and feel of the neighborhood, quality of life, safety, traffic — we believe at a minimum the City Council should delay a vote on rezoning until at least a quality traffic study can be completed. Further the City Council should require that the 15 out-of-character, market rate homes be significantly modified in number and scale.

We are counting on your support to ensure proper safety review and protection of our neighborhood's distinct pastoral character and cohesion. Thank you for reviewing the information.

Sincerely yours,

Steven Rosenberg

On behalf of the Maybell Action Group